

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

**CHAMBERS OF
RONALD J. HEDGES
UNITED STATES MAGISTRATE JUDGE**

**MARTIN LUTHER KING, JR.
FEDERAL BUILDING AND COURTHOUSE
50 WALNUT ST., ROOM 2042
NEWARK, NEW JERSEY 07101-0999
(973) 645-3827**

June 20, 2005

LETTER-OPINION AND ORDER
ORIGINAL FILED WITH CLERK OF THE COURT

Yusuf Ali Shabazz
c/o Joseph Hall
196 North 5th Street
Newark, New Jersey 07107

Re: **Shabazz v. Coppola, et al..**
Civil Action No. 01-3419
Hon. Jose L. Linares, U.S.D.J.

Dear Litigant:

Judge Linares has referred me to your letter of June 13th, by which you request to be advised of the status of this civil action. On August 20, 2001, you were granted in forma pauperis status and the Clerk was directed to file the Complaint against Daniel Coppola, B. Lopez, J. Berhaunte, Mora Lynch and Dr. Desembrana. On September 17, 2001, you sought leave to amend to add Correctional Health Service, Inc. ("CHS") as a defendant. On November 16, 2001, you sought leave to amend a second time to add Julius N. Coltre, Mark Stabinski, and CHS as defendants. Both motions were granted. On November 16, 2001, summons were issued for Coppola, Lopez, Berhaunte, Lynch and Desembrana.

On April 29, 2002, you filed a motion seeking the entry of default judgment against defendants Coppola, Lopez, Berhaunte, Lynch and Dr. Desembrana. On July 31, 2002, you filed

a second motion seeking the entry of default and default judgment against defendants Coppola, Lopez, Berhaunte, Lynch. On September 30, 2002, Judge Greenaway denied both motions for entry of default, granted you leave to amend the Complaint within 30 days, and directed that the United States Marshal effect service. However, an Amended Complaint was not submitted.

On July 16, 2004, I granted you leave to amend the Complaint to add CHS as a defendant.¹ On July 30, 2004, an Amended Complaint was filed adding CHS, Coltre and Stabinski as defendants. On September 7, 2004, summons were returned unexecuted as to Coltre and Stabinski. On August 2, 2004, alias summons were issued by the Clerk to the United States Marshal for Berhaunte, Coppola, CHS, Desembrana, Lopez, and Lynch.

On August 30, 2004, service was effectuated upon Lynch and Coppola. It appears that Desembrana, Coltre and Stabinski were unable to be effectively served. I am unable to determine whether Berhaunte was properly served because a service of process form was not filed. Defendants Lynch and Coppola were served but have not filed an answer.

On March 13, 2005, Judge Linares issued an Order granting CHS's motion to be dismissed from this action.

SO ORDERED.

s/ Ronald J. Hedges
United States Magistrate Judge

Copy: Judge Jose L. Linares

¹ In my July 16, 2004 Letter-Order I stated that it does not appear that any defendant was served in a manner consistent with Rule 4(e) of the Federal Rules of Civil Procedure.